



BOULT • CUMMINGS
CONNERS • BERRY^{PLC}

REC'D TN
REGULATORY AUTH.

Jon E. Hastings
(615) 252-2306
Fax: (615) 252-6306
Email: jhastings@boultcummings.com

*02 JAN 28 PM 12 33

January 28, 2002
OFFICE OF THE
EXECUTIVE SECRETARY

Mr. David Waddell
Executive Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Re: In Re: Petition of MCImetro Access Transmission Services, LLC
and Brooks Fiber Communications of Tennessee, Inc. for
Arbitration of Certain Terms and Conditions of Proposed
Agreement with BellSouth Telecommunications, Inc.
Concerning Interconnection and Resale Under the
Telecommunications Act of 1996
Docket No. 00-00309

Dear Mr. Waddell:

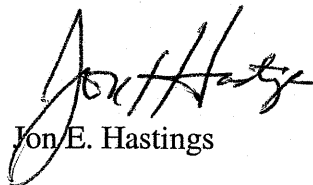
Enclosed please find an original and thirteen (13) copies of the Motion of WorldCom to Strike Pages of BellSouth's Best and Final Offer for Issue 95 which we would appreciate your filing in the above-referenced docket.

Thank you for your attention to this matter.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:


Jon E. Hastings

JEH/th

Enclosures

cc: Guy M. Hicks, Esq.
Dulaney L. O'Roark III, Esq.
Susan Berlin, Esq.

LAW OFFICES

723049.17230491
058100-034 01/28/02

414 UNION STREET • SUITE 1600 • P.O. BOX 198062 • NASHVILLE • TN • 37219
TELEPHONE 615.244.2582 FACSIMILE 615.252.6380 www.boultcummings.com

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

In Re: Petition of MCImetro Access	}	
Transmission Services, LLC and Brooks	}	
Fiber Communications of Tennessee, Inc. for	}	
Arbitration of Certain Terms and Conditions	}	DOCKET NO. 00-00309
of Proposed Agreement with BellSouth	}	
Telecommunications, Inc. Concerning	}	
Interconnection and Resale Under the	}	
Telecommunications Act of 1996	}	

**MOTION OF WORLDCom TO STRIKE PAGES OF BELLSouth'S
BEST AND FINAL OFFER FOR ISSUE 95**

INTRODUCTION

MCImetro Access Transmission Services, LLC ("MCI") and Brooks Fiber Communications of Tennessee, Inc. ("Brooks Fiber") (collectively referred to herein as "WorldCom") hereby move the Authority to strike several pages, as set forth below, from BellSouth Telecommunications Inc.'s ("BellSouth") Best and Final Offer for Issue 95.

At its Director's Conference on December 18, 2001, the Authority considered the issues pending in the WorldCom-BellSouth arbitration. After deliberating, the Authority ordered the parties to file "best and final offers" for Issues 55, 67 and 95. Additionally, the Authority ordered the parties to file supplemental briefs for Issue 67. WorldCom and BellSouth have both complied with what was ordered by the Authority in this regard. Inappropriately, however, BellSouth has not only prepared a supplemental brief for Issue 67, it also briefed Issue 95 quite extensively in addition to proposing its Best and Final Offer.

WorldCom moves the Authority to strike from the record pages 6 (beginning with the sentence that starts "At the Directors' Conference . . .) through 15 (lastly striking through the sentence "Numerous other terms and conditions MCIIm seeks to impose are equally insufficient."). BellSouth has inappropriately taken the filing of Best and Final Offers as an opportunity to re-litigate Issue 95. Not only are the arguments BellSouth raises additional to and different from those it raised in the course of the proceeding, they are different from the issues it addressed in its post-hearing brief. Other than at the Authority's specific request, such as with Issue 67, surely the Best and Final Offer is not an appropriate place for a party to raise new arguments and introduce new facts not before presented to the Authority.

The Authority has already heard all the arguments the parties saw fit to make in their arbitration regarding Issue 95. The Authority has also had the opportunity to read the parties' briefs on this issue. Indeed, the Authority has already made its finding regarding its disposition of this issues:

27

11 DIRECTOR GREER: Thank you. Issue 95.
12 "Should BellSouth be required to provide WorldCom with
13 billing records with all electronic message
14 interexchange standard fields?"

15 I would move to require BellSouth to
16 provide WorldCom with billing records with all EMI
17 standard fields. In addition, the parties should be
18 asked to submit their final best offers on languages
19 that clarify how these EMI records will be provided.
20 January 11th sounds like a good date for that too.

21 DIRECTOR MALONE: That, and the former
22 final best offer?

23 DIRECTOR GREER: Right. That's
24 correct.

25 DIRECTOR MALONE: I agree.

28

1 CHAIRMAN KYLE: I agree.

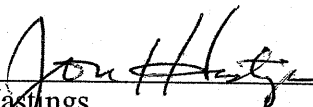
(December 18, 2001. Directors' Meeting Transcript at pp. 27 - 28).

WorldCom complied with the Authority's Order to set forth *in its final best offer* how EMI records are to be provided. BellSouth sets forth additional argument regarding its preferred language. As the Authority is aware, its procedures contemplate a party requesting reconsideration of an Authority decision after that decision has been made. Re-litigating a matter in a final best offer should not provide such an opportunity.

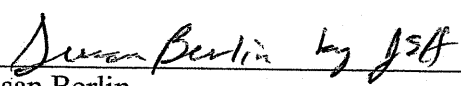
CONCLUSION

For the reasons set forth above, WorldCom respectfully requests that the Authority strike the offending pages from BellSouth's Best and Final Offer.

RESPECTFULLY SUBMITTED this 28th day of January 2002.



Jon E. Hastings
Austin L. McMullen
Boult, Cummings, Conners & Berry, PLC
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, Tennessee 37219
(615) 252-2306

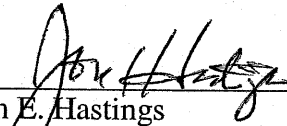


Susan Berlin
Dulaney L. O'Roark, III
WorldCom, Inc.
Six Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(770) 284-5498

*Attorneys for MCI metro Access
Transmission Services, LLC and
Brooks Fiber Communications of Tennessee, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been hand delivered or mailed to Guy M. Hicks, BellSouth Telecommunications, Inc., 333 Commerce Street, Suite 2101, Nashville, Tennessee 37201-3300 this the 28th day of January 2002.



Jon E. Hastings